

Amendments to the Drawings:

The seven attached sheets of drawings includes changes to Figs. 3A, 3C, 4, 8A, 9, 10A, 11A and 11B.

The replacement sheet that includes Figs. 3A-3C, replaces the original sheet including Figs. 3A-3C. In Fig. 3A, reference characters 1a, 1b, and 1c are deleted. Similarly, in Fig. 3C, reference characters 2c, 3a, 4, and 3 are deleted.

The replacement sheet that includes Fig. 4, replaces the original sheet including Figs. 4. In Fig. 4, the previously omitted reference signs identifying panels 1-4 have been added.

The replacement sheet that includes Fig. 8A, replaces the original sheet including Fig. 8A. In Fig. 8A, the reference sign (a) has been deleted.

The replacement sheet that includes Fig. 9, replaces the original sheet including Figs. 9. In Fig. 9, the previously omitted reference signs identifying panels 1-4 have been added.

The replacement sheet that includes Fig. 10A, replaces the original sheet including Fig. 10A. In Fig. 10A, the reference sign (a) has been deleted and the value (2) for (n) has been added to the two weeks PO control section of the table.

The replacement sheet that includes Fig. 11A, replaces the original sheet including Fig. 11A. In Fig. 11A, the reference sign (b) has been deleted and the headings are amended to clarify the treatments.

The replacement sheet that includes Fig. 11B, replaces the original sheet including Fig. 11B. In Fig. 11B, the headings are amended to clarify the treatments and to be consistent with those of Fig. 11A.

Attachment: Replacement Sheets (7)

REMARKS/ARGUMENTS

In the specification, the second full paragraph on page 7 (lines 5-10), the second paragraph on page 16 (which spans from page 16 line 13 to page 17 line 7) and the first full paragraph on page 20 (lines 6-13) have been amended to correct references to Figures 3A-3B.

Figs. 3A, 3C, 4, 8A, 9, 10A and 11A are amended in accordance with Examiner's suggestions, as shown in the attached replacement sheets. Please note, Examiner objected to the reference sign "(a)" in Fig. 10B. However, there was no reference sign "(a)" in originally filed Fig. 10B. Applicants assume Examiner was referring to Fig. 10A, which has been amended to delete the reference sign "(a)" contained therein.

Claims 1, 5-7, 9, 12-13 and 15 remain in this application. Claims 1, 6-7, 9, 12-13 and 15 are amended, Claims 2-4, 11, 14 and 16 are canceled and new claims 35-38 are added in the present communication.

Claims 8, 11 and 17-34 were withdrawn as the result of an earlier restriction requirement. In view of the examiner's earlier restriction requirement, applicant retains the right to present claims 8, 11 and 17-34 in a divisional application.

Claim Rejections – 35 USC § 112

Enablement

Claims 1-7, 9, 13 and 16 are rejected under 35 USC § 112, first paragraph. As a preliminary matter, claims 2-4 and 16 are canceled, thereby rendering the rejection of these claims moot. The Examiner contends that the specification does not enable any person skilled in the art to which it pertains, or with which it is more nearly connected, to use the invention commensurate in scope with the claims. However, Examiner acknowledges that the specification is enabling for "a method from promoting survival or maintenance of mammalian motoneurons or promoting axonal regeneration or reinnervating of target muscle of motoneurons comprising administering to the motoneurons an effective amount of SEQ ID NO:4." Accordingly, Claim 1 is amended to recite "A method for promoting the survival or maintenance of mammalian motoneurons." Similarly, Claims 35 and 36 are added to encompass a method promoting axonal regeneration of motoneurons and Claims 37 and 38 are added to

encompass a method promoting the reinnervation of a target muscle of motoneurons. Moreover, Claim 1 is amended in accordance with Examiner's suggestions to include the step of "administering to the motoneurons an effective amount of a purified polypeptide comprising an amino acid sequence as set forth in SEQ ID NO:4." In view of the foregoing amendments, Applicant respectfully submits the specification does reasonably provide enablement and is commensurate in scope with claims 1, 5-7, 9, 13, and new claims 35-38.

Claims 10, 12, 14 and 15 are also rejected under 35 USC § 112, first paragraph as failing to comply with the enablement requirement with respect to the therapeutic uses of SEQ ID NO:4 for a variety of disorders. Claims 10 and 14 are canceled thereby rendering the rejection of these claims moot. As noted above, Examiner acknowledges that the specification is enabling for "reinnervating of target muscle of motoneurons comprising administering to the motoneurons an effective amount of SEQ ID NO:4." Accordingly, Claim 12 is amended to recite "promoting the reinnervation of a target muscle of motoneurons in a mammal." Moreover, Examiner acknowledges that "the Specification clearly demonstrates a salubrious effect of SEQ ID NO:4 in peripheral nerve injury." Accordingly, Claim 15 is amended to recite "administering the polypeptide in a suitable carrier to a mammal for treatment of a peripheral nerve injury." In view of the view of the forgoing amendments, Applicant respectfully submits the specification does reasonably provide enablement and is commensurate in scope with amended claims 12 and 15.

Written Description

Claims 1-4 and 16 are rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More particularly, Examiner contends the rejected claims, which are drawn to a genus of polypeptides defined by partial sequence identity, are not adequately described. However, Examiner acknowledges that "isolated polypeptides comprising the amino acid sequences set forth in SEQ ID NO:4" does meet the written description provision of 35 USC § 112, first paragraph. Accordingly, Claim 1 is amended to recite "a purified polypeptide comprising an amino acid sequence as set forth in SEQ ID NO:4" in accordance with Examiner's suggestions. Claim 16 is canceled to prevent unnecessary duplication of Claim 1, thereby rendering the rejection of this claim moot.

In view of the foregoing amendments, Applicant respectfully request reconsideration and withdrawal of the rejection of claims 1, 5-7, 9, 12-13 and 15 under 35 USC § 112, first paragraph.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Accompanied herewith is a Petition for Three Month Extension of Time. The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 50-0337.

Should there be any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,



Margaret Churchill, Ph.D.
Registration No. 39,944

Dkt No. 7353-102C2/10213915
(213) 892-9200